

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-27 are presently active in this case. The present Amendment amends Claims 1-11 and 15 and adds new Claims 16-27 without introducing any new matter.

Claims 1-3, 7 and 9-14 were rejected under 35 U.S.C. §103(a) as unpatentable over Fujita et al. (U.S. Publication No. 2002/0043523, herein "Fujita") in view of Inuyama et al. (Japanese Patent 63210979, herein "Inuyama"). Claims 4-6, 8 and 15 were rejected under 35 U.S.C. §102(b) as anticipated by Fujita.

To clarify a feature of Applicants' invention, Claims 1-11 and 15 are amended to change the term "capacitor" to "secondary power supply unit." These changes find non-limiting support in the Applicants' disclosure as originally filed, for example at page 19, lines 2-3, and therefore does not raise any questions on new matter.

In response to the rejection of Claims 1-3, 7 and 9-14 under 35 U.S.C. §103(a) and in response of the rejection of Claims 4-6, 8 and 15 under 35 U.S.C. §102(b), independent Claims 1, 4 and 7-8 are amended to further recite "secondary power supply unit is charged when a remaining amount of stored energy thereof is lower than a predetermined voltage and is prevented from being charged when the remaining amount of stored energy is higher than or equal to the predetermined voltage." These features find non-limiting support in Applicants' disclosure as originally filed, for example at page 26, lines 3-5 and in corresponding Figures 3-5.

Turning now to the applied references, the outstanding Office Action refers to Fujita's page 4, paragraph 71 and asserts that in Fujita "the controller performs control such that the capacitor is charged in accordance with a remaining amount of stored energy thereof."¹

¹ See the outstanding Office Action at page 2, lines 21-23.

Applicants respectfully disagree. According to Fujita, charging the auxiliary power source 4 (capacitor) is started “[w]hen a preselected period of time expires since the power supply from the auxiliary power source 4 to the auxiliary heating element 2e.”² In other words, according to the teachings of Fujita, the auxiliary power source 4 is always charged after a certain period of time is expired, and therefore the starting of supplying power to the auxiliary heating element 2b is not in relation to the remaining amount of stored energy in the auxiliary power source 4. Applicants’ Specification states that “it is determined whether the voltage of the capacitor C is higher than or equal to a predetermined voltage A” prior to charging the capacitor C.³ In other words, the remaining amount of energy stored in the capacitor C should be lower than the predetermined voltage A, at the moment the capacitor charging begins. These features of the invention can contribute to power saving by eliminating unnecessary charging compared with Fujita’s power supply. It is therefore believed that Fujita does not teach or suggest all the elements in the claims as currently written.

Furthermore, regarding the 35 U.S.C. §103(a) rejection, Applicants also respectfully submit that Inuyama, used by the outstanding Office Action to form the 35 U.S.C. §103(a) rejection, does not remedy the deficiencies of Fujita. As explained in Inuyama, a capacitor C211 is charged to store the failure state and to store the time of the failure, regardless whether the capacitor is charged or not. Accordingly, charging a capacitor only in function of occurrence of a fault, as taught by Inuyama, *is not* charging a secondary power supply unit, when a remaining amount of stored energy thereof is lower than a predetermined voltage and is prevented from being charged when the remaining amount of stored energy is higher than or equal to the predetermined voltage, as claimed. Therefore, even if the combination of Fujita and Inuyama is assumed to be proper, the combination fails to teach

² See Fujita page 4, paragraph 70, lines 1-3.

³ See Applicants’ Specification at page 26, lines 3-5 and in corresponding Figure 4.

every element of the claimed invention. Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.⁴

To vary the scope of protection recited in the claims, new Claims 16-27 are added. New Claims 16-19 depend upon Claims 1, 4 and 7-8, respectively and recite "the secondary power supply unit comprises a capacitor."⁵ New Claims 20-23 depend upon Claims 1, 4 and 7-8, respectively and recite "the charging of the secondary power supply unit is stopped when the remaining amount of stored energy thereof is higher than or equal to the predetermined voltage."⁶ New independent Claims 24-27 recite similar features as independent Claims 1, 4 and 7-8, respectively, and further recite "when the image-forming operation of the image-forming apparatus is being performed, the controller performs control such that the secondary power supply unit is charged if the remaining amount of stored energy of the secondary power supply unit is lower than a predetermined voltage and a charge current larger than a predetermined value is securable."⁷ Since the new claims find non-limiting support in the disclosure as originally filed, they are not believed to raise a question of new matter.⁸

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-27 is earnestly solicited.

⁴ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

⁵ Finds non-limiting support in Applicants' Disclosure as originally filed, for example at page 19, lines 2-3.

⁶ *Idem* at page 26, lines 20-25 and in corresponding Figure 4, steps S6-S7.

⁷ *Idem* at page 27, lines 6-13 and in corresponding Figure 4, steps S4-S8.

⁸ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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